

## SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

### PART 350—COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

Sec.

- 350.1 Purpose.
- 350.3 Definitions.
- 350.5 Policy.
- 350.7 Objective.
- 350.9 Conditions for basic grant approval.
- 350.11 Adopting and enforcing compatible laws and regulations.
- 350.13 State Enforcement Plan (SEP) for a basic grant.
- 350.15 Certification of compliance by State.
- 350.17 Maintenance of effort.
- 350.19 Grant application submission.
- 350.21 Distribution of funds.
- 350.23 Acceptance of State plan.
- 350.25 Effect of failure to submit a satisfactory State plan.
- 350.27 Procedure for withdrawal of approval.
- 350.29 Eligible costs.

APPENDIX A TO PART 350—GUIDELINES TO BE USED IN PREPARING STATE ENFORCEMENT PLAN

APPENDIX B TO PART 350—FORM OF STATE CERTIFICATION

APPENDIX C TO PART 350—TOLERANCE GUIDELINES FOR ADOPTING COMPATIBLE STATE RULES AND REGULATIONS

AUTHORITY: 49 U.S.C. 31101-31104, 31108, 31136, 31140-31141, 31161, 31310-31311, 31502; and 49 CFR 1.48.

SOURCE: 57 FR 40956, Sept. 8, 1992, unless otherwise noted.

#### §350.1 Purpose.

The purpose of this part is to prescribe requirements for Federal assistance to States for programs to adopt and enforce Federal rules, regulations, standards and orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards and orders.

#### §350.3 Definitions.

As used in this part:

*Administrator* means the Federal Highway Administrator.

*Basic allocation* means only those Federal funds distributed by the allocation formula, or the minimum funding level specified in this part.

*Basic grant* means the funds available to a State for carrying out an approved State Enforcement Plan (SEP), which include, but are not limited to:

(1) Recruiting and training of personnel, payment of salaries and fringe benefits, the acquisition and maintenance of equipment except those at fixed weigh scales for the purposes of weight enforcement, and reasonable overhead costs needed to operate the program;

(2) Commencement and conduct of expanded systems of enforcement;

(3) Establishment of an effective out-of-service and compliance enforcement system; and

(4) Retraining and replacing staff and equipment.

*Commercial motor vehicle* means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or property when:

(1) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

(2) The vehicle is designed to transport more than 15 passengers, including the driver; or

(3) The vehicle is used in the transportation of hazardous materials in quantities requiring placarding under regulations issued by the Secretary of Transportation pursuant to the authority of the Hazardous Material Transportation Act, as amended (49 U.S.C. app. 1801 *et seq.*).

*Compatible* or *compatibility* means, in relation to State laws and regulations pertaining to commercial motor vehicle safety, having the same effect as the Federal Motor Carrier Safety Regulations (FMCSR) or Federal Hazardous Materials Regulations (FHMR) in that those State rules are either identical or fall within the tolerance guidelines in appendix C to this part.

*Motor carrier* has the same meaning such term has in §390.5.

*State* means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa,